

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action File No. 5:10-cv-00591-FL

BOYKIN ANCHOR COMPANY, INC.,

Plaintiff,

v.

LARRY WONG and AT&T SERVICES, INC.,

Defendants.

ORDER

This matter is before the court on Defendants' Motion to File and Retain Under Seal Defendants' Memorandum of Law in Support of Motion for Summary Judgment ("Memorandum in Support") [Dkt. 177] and the supporting Appendix of materials [Dkt. 178–192]. The public has been given advance notice of the parties' request to seal these materials, and the Motion was docketed well in advance of this court's decision on the Motion. *See In re Knight Publishing Co.*, 743 F.2d 231 (4th Cir. 1984). No objection has been lodged on the docket to maintaining these documents under seal. Accordingly, the issues raised by the Motion are now ripe for disposition. For good cause shown, the Motion is ALLOWED.

Because the documents sought to be sealed relate to a dispositive motion, they are subject to a First Amendment right of access by the public. *See Rushford v. New Yorker Magazine, Inc.*, 846 F.2d 249, 253 (4th Cir. 1988). This constitutional right of access may only be overcome by a compelling interest, and any denial of access to the documents must be narrowly tailored to serve that interest. *Id.*

The materials sought to be sealed include confidential and competitively sensitive business information. The Court finds the justification behind sealing this information to be compelling, particularly in light of no opposition from the public. The Court also believes that maintaining these materials under seal is narrowly tailored to that interest.

SO ORDERED, this 3rd day of May 2013


LOUISE W. FLANAGAN
United States District Court Judge